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# **2007 LEGISLATURE**

IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES

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As the 2007 Legislature began, it was uncertain how things would go for disability issues. This year there was a new Governor, new Superintendent of Public Instruction, new House Speaker, 26 new legislators, and 11 new committee chairs. Talk about turnover!

Much of our effort was focused on concurrent resolutions instead of bills. Resolutions "encourage" action instead of "requiring" it like bills do, so they are often easier to pass.

One issue that changed from a potential bill to a resolution was Disability History Month. HCR 22, sponsored by the State Independent Living Council and supported by the

DD Council and others, encourages the public schools and universities to recognize October as Disability History Month by adding instruction on disability history, people with disabilities and the disability rights movement. The resolution passed unanimously and the Council will help provide speakers and materials to teachers.

The Council took the lead with HCR15 which called for the Division of Medicaid to continue to work on Family Directed Services in partnership with the Council and others. This was follow-up to work done in response to legislative intent from

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### **COUNCIL MEMBERS:**

Rick Betzer, Chair, Shelley James Steed, Vice-Chair, Pocatello Kristyn Herbert, Cons. Rep., Boise Jim Baugh, Boise Shiloh Blackburn, Rexburg Dona Butler, Nampa Leslie Clement, Boise Donna Denney, Midvale Debbie DePaola, Lava Hot Springs Jane Donnellan, Boise Paige Fincher, Boise Julie Fodor, Moscow Bob Jackson, Eagle Corinne Johnson, Coeur d'Alene Mary Johnson, Grangeville Kim Kane, Boise Penny Larson, Dubois Liz Ricciardi, Coeur d'Alene Mike Smith, Moscow Theresa Wilding, St. Anthony BUTCH OTTER, GOVERNOR Marilyn B. Sword, Executive Director

# **Leaders to Watch -** The Idaho Self-Advocate Leadership Network ~ SUMMIT 2007



Members of the Idaho Self-Advocate Leadership Network (SALN) and support staff met for a week in Boise for Summit 2007. The members took a number of steps to move their group to a statewide self-advocacy organization.

### **STEP 1: BY-LAWS**

By-laws Committee members shared their ideas for structure for the group to talk and think about. After two days of talking about the by-laws and making them even

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## **COUNCIL PROJECTS**



John Russell, President



David Dekker, Vice-President



Bob Quast, Treasurer



Becky Woodhead, Secretary



Lia Haile, Sergeant-at-Arms

### SALN Summit 2007 (continued from page 1)

better, the membership accepted the by-laws. By-laws Committee Member, Erick Yeary said it best, "I felt proud to know that we were taking a huge step forward. I also felt scared. I knew it was a step that needed to be done and would help our self-advocacy family grow. I was honored and proud to be able to present the by-laws to our whole network."

Thank you to the By-laws Committee members Tracy Martin, Erick Yeary, James Steed, and Larry Fries for working on the by-laws the past two years.

### **STEP 2: TEAM BUILDING**

Each of the 7 teams had to share a team building activity for the network. This gave members a chance to get to know other people from different teams. Members were able to see how they fit into a statewide network of self-advocates and how much strength and support they had in each other.

Kirk Grogan had this to say about the team activities: "It was an experience I have never had. Learning to talk with others, becoming friends with other team members, and being able to see people and talk about real life stuff."

### **STEP 3: HOPES AND FEARS**

Members and support staff spent some time so people could share their hopes and fears about the group becoming a self-advocacy organization. "The best thing about the Summit was our big talk about our hopes and fears for self-advocacy in Idaho. It helped me to know that I am not the only self-advocate that is afraid, but I really want self-advocacy to work in Idaho," said Becky Woodhead

### **STEP 4: OFFICERS ELECTED**

Officers were elected for the first time to repre-



Tracy Martin, Historian



Erick Yeary, Reg 7 Representative



Jeremy Watson, Reg 4 Representative

sent the Idaho SALN. The membership learned how elections run, how to run a campaign, and how to vote. John Russell of Moscow and newly elected President had this to share: "I am honored to be the first President of The Idaho Self-Advocate Leadership Network. My vision of self-advocacy for Idaho is to increase membership, have a strong voice in our lives and in public policy. It is also important that we work with young people with disabilities to make way for the leadership of upcoming self-advocates."

The other officers and board members are David Dekker of Jerome, Vice-President; Bob Quast of Coeur d'Alene, Treasurer; Becky Woodhead of Caldwell, Secretary; Lia Haile of Hailey, Sergeant-At-Arms; Tracy Martin of Pocatello, Historian; Jeremy Watson of Boise, Team 4 Representative; and Erick Yeary of Ammon, Team 7 Representative.

It has taken four years to lay this groundwork. Now the Idaho SALN will begin a new journey to grow, learn, and work to make their dreams for selfadvocacy in Idaho come true.

The Idaho Self-Advocate Leadership Network would also like to thank national self-advocate leader, Ms. Nancy Ward for lending her leadership, experience, and support to us for the Summit.

### **COUNCIL PROJECTS**

# **Council Changes**

Jane Donnellan, Regional Manager for the Division of Vocational Rehabilitation, has been appointed by Governor Otter to represent that agency on the Council. We look forward to Jane's involvement.

Three members have left the Council. Mary Bostick, formerly with the Idaho Department of Education, Ame Linch, parent from Twin Falls, and Corey Barnard, previously an employment services provider from Rexburg, have submitted their resignations. We are sorry to have them leave and thank them for their participation.

The Council is pleased to welcome two new faces to our staff. Amanda Holloway ioined the staff in mid-January and is responsible for the financial operations of the Council. Amanda is married and has two children. She previously worked for DEQ.

On March 5, Penny **Thorpe** came on board from the Department of Administration. It is Penny's cheerful



Amanda Holloway and Penny Thorpe

voice you will hear when you call the office. She is handling travel and meeting arrangements and providing support to staff.

On February 26, we said good-bye to **Pam Stanley** who retired after working for the state for over 35 years, 10 of those with the Council. We thank Pam for her service and wish her a fun-filled retirement. Our Meridian High School legislative intern, Lindsay Worley, finished her internship with us in March. Lindsay was a valuable asset to our work in the legislature this session. Good luck Lindsay at Western Washington University!



Lindsay Worley

# **Preparing for Disasters**

You are awakened at 2:00 AM by a loud voice and knocking at your front door. Cautious at first, you realize that someone is trying to alert you to danger. You open the door and a police officer says there is a high risk of flooding as result of recent heavy rains. The officer demands that you leave immediately. Are you ready to go?

People will read this little story and discount any possibility that something like it will ever happen to them. It's true that Idaho does not routinely experience disasters equal to the destruction caused by Hurricanes Katrina and Rita. We do not regularly experience the ravages by tornadoes that frequent the nation's Midwest and South.

But, are you surprised that in 2006, 17 proclamations were issued for Idaho disasters? Flooding accounted for 8 proclamations, while 6 were issued for outbreaks of the dreaded West Nile Virus. One each proclamation was issued for fire, tornado and landslide. Disasters do happen in our state!

Okay so the disaster always happens someplace else, but let's just say that you are in the situation described earlier. Do you have a plan for evacuating? Do you need assistance to depart your home? Will you be able to take your dog? What about your power wheelchair?

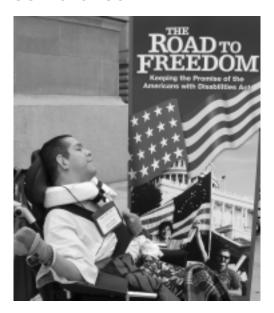
The Council is working with the Bureau of Homeland Security to raise awareness levels about disasters and their potential impact on people with disabilities. We are working with officials at state and county levels, to include information about the needs of people with disabilities and potential resources in local emergency operations plans. But as we inform planners and first responders we also need to inform people with disabilities to get involved and get informed.

Go to the Idaho Bureau of Homeland Security website at www.bhs.idaho.gov. Learn more about disaster plans and contacts for your county. As more information is developed we will share it with you through future newsletters.

### STATE NEWS

# "Let's Make History"

# **2007 Independent Living Conference**



The Independent Living Conference was held February 5-7 at Boise Centre on the Grove. More than 150 people attended the event which featured a pre-conference transportation workshop, great keynote speakers, informative breakout sessions and a march to and rally at the Statehouse. Rally goers visited their legislators and urged their support for a proposed bill to recognize every October as "Disability History Month" in Idaho's Public Schools.



# **Extended Employment Rules Amended and Passed**

The Idaho Legislature has approved administrative rules for the Division of Vocational Rehabilitation for the operation of extended employment services. Extended employment includes community supported employment and work services paid with State General Funds.

Extended employment services were transferred from the Department of Health and Welfare to the Division of Vocational Rehabilitation by the 2004 Legislature. The program operated without rules until the 2006 Legislature passed legislation giving the Board of Education authority to put rules into place to oversee the program. The Council supported VR having rules in place and provided testimony and informal input regarding these rules. However, some of the Council's concerns were included in the final rules that were presented to the Legislature this session. Those sections made it

nearly impossible for new providers to participate in the program which limited choice for consumers.

The Council and other advocates and some providers testified in support of the rules but in opposition to those sections. The House and Senate Education committees agreed with our concerns and eliminated three sections. This action was approved in House Concurrent Resolution 019 which passed both houses.

Vocational Rehabilitation is now working with various advocacy and provider representatives to discuss the rules, the sections that were removed and the concerns that advocates have with issues of individual consumer budgets and access to providers of the consumer's choice. One meeting has been held and another is scheduled for May. The Council, Co-Ad, the State Independent Living Council and SALN are all participating in the discussions.

Two Council supported accessible playground projects are raising funds through sales of personalized bricks at <a href="https://www.adventureislandplayground.org">www.adventureislandplayground.org</a> and a unique board game at <a href="https://www.equalaccessplayground.org">www.equalaccessplayground.org</a>.

### STATE NEWS

# **Students Turning 18 and Educational Rights**

Contrary to what many have been told, parents may continue to be involved in the special education process with their adult (18+) child without getting full legal guardianship.

Here are the facts from the Idaho Special Education Manual 2007, Chapter 11, Section 2.C.:

When a child turns 18, legal rights transfer from the parents to the adult student and that includes special education rights.

If educational rights have transferred to the adult student, the parent still has the right to get notices required by IDEA (like notices about IEP meetings, changes to program, etc.) And the adult student or district (unless the student disagrees) may invite the parent to IEP meetings because the parent is knowledgeable about the student. IDEA does not require parent participation in the process, but it

does not specifically prevent it either.

The parent and student will be included in IEP team discussions about the student's ability to understand their rights, ability to exercise those rights and if the student understands the impact of their decisions. If the IEP team determines that the adult student is not able to give informed consent about their educational program, the IEP will have a statement that says the parent will keep all special education rights after the child turns 18, even when the parent does not have full legal guardianship.

There are situations when an IEP team may decide that the special education rights will not transfer to the adult student and will stay with the parent:

• if the IEP team determines that the student does not have the ability to make informed

decisions about his or her educational program; or

 the parent has gotten legal guardianship including the scope of educational matters

It is important to think about all the options when making the decision about guardianship. Under full guardianship, an individual has all of their legal rights taken away because they are publicly declared incompetent. Guardianship is not a good temporary measure "until the person is ready" because it is a difficult process to reverse guardianship later.

There are alternatives to full guardianship that allow a person to have more choice and control over their life including: partial guardianship, financial conservator, power of attorney, trusts, and many more that can be considered if guidance is needed.

### 2007 Legislature

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2006. The resolution was approved and the work done on self determination will help guide this effort.

Two resolutions sponsored by the Council for the Deaf and Hard of Hearing passed easily. Both SCR 102 (which encourages schools to recognize American Sign Language as a foreign language for credit) and SCR 103 (which recognizes the unique educational needs of

students who are deaf or hard of hearing) were supported by the DD Council.

Rules regarding the operation and oversight of Extended Employment Services were brought before the Legislature for approval. Both Senate and House Education Committees elected to delete sections that restricted consumer choice by limiting the pool of providers. That action was the subject of HCR 19 which passed both houses with support from disability advocates.

The legislature approved SB 1147, a pilot project to place clinically trained counselors in rural schools to help at risk teens. and defeated HB 94 which allowed for voting by mail. Two unsuccessful bills supported by the Council were HB 246 which would have allowed local governments to ask for voter approval of a sales tax increase for public transportation and SB 1079 which lowered the school age from 5 to 4. This would have opened the door for integrated preschool programs.

### NATIONAL NEWS

# Rachel Quade Presents Idaho Information to National Panel

Rachel Quade of Boise gave a presentation at the "Ticket to Work and Work Incentives Advisory Panel Beneficiary Summit" February 6 & 7 in Atlanta, Georgia. Hosted by the Social Security Administration (SSA), the summit marked the first time that people receiving disability payments provided input about barriers to employment for people with disabilities.

Attending the summit was a goal Rachel set for herself as a self advocate in Boise School District's Community Based Transition Program. Teacher Carol Carnahan encouraged and helped Rachel apply to become a delegate. Rachel gathered information by interviewing peers

about their experiences. Now that she has returned, she will follow-up by educating people with information she learned from the summit.

Rachel focused her participation in two areas: 1) Making the transition from school to work easier for youth, and: 2) Getting information to the right people at the right time. People in the transition group identified several critical barriers for youth leaving school for the workforce and made several recommendations for overcoming those barriers.

The information group provided a forum for Rachel to report that very few of her peers and teachers had ever heard of "Ticket to Work" or other incen-

tive opportunities. This group concluded that information was not available in an easy to understand format. It recommended that SSA empower people who get benefits to develop policies and information in language that is easy to understand and more accessible. In addition, the group recommended that a diverse ethnic and disability committee review and comment on newly developed information.

Finally Rachel presented her most compelling argument about employment: "If the Ticket to Work Program does not apply to me, please make one that does. I am capable of working. I want to work. I like to earn money and I should be able to do it without fearing losing my benefits."

Rachel Quade's full report is available on the Council website at www.icdd.idaho.gov.

# Pilot Project: The College of Direct Support

Starting in June 2007, the Department of Health and Welfare is sponsoring a pilot project of the nationally recognized College of Direct Support. The College of Direct Support is an internet-based curriculum for direct support professionals, supervisors and managers. The Idaho State School and Hospital is adopting the College as part of its curricula for staff as well. The pilot project will be offered for one year with a possible extension of up to three years for selected providers. Provider types eligible to participate in the first year of the pilot

are Developmental Disability
Agencies, Supported Living
Providers, Certified Family
Home Providers, and Medicaid
Supported Employment Providers. Individuals who are selfdirecting their own supports will
also have the opportunity to
access the pilot for the people
who serve them. Information on
the College of Direct Support is
available at <a href="http://">http://</a>

info.collegeofdirectsupport.com/. Applications to participate in the pilot will be available on May 8th.

On May 15th a forum about the pilot will be held. Represen-

tatives of the College of Direct Support will be available to answer questions about the College. Department of Health and Welfare representatives will be on hand to answer specific questions about the pilot. Questions about the pilot project can also be directed to Cameron Gilliland at (208) 334-5536.



"All Idahoans participate as equal members of society, empowered to reach their full potential as responsible and contributing citizens of their communities."

### **EDITORIALS**



Rick Betzer, Chairperson

# **Tough Decisions**

I read an article recently on a child named Ashley and the choice her family made to use

medication to keep her small and 'manageable'. I was torn between being upset with the parents for making the choice and being sympathetic to their situation.

We have all heard examples of families installing all manner of specialized equipment in their home to allow them to care for their child or other family member. While this helps, and is probably the best answer in most situations, the simple fact is most families cannot afford the cost. For those that can, great. But we should not hold them up as examples to judge others by. Many of us work 2 jobs to provide for our family. Many parents give up one income to stay home and care for their child. Some do so to reduce their income to qualify for state or federal assistance programs. Most did not ask to be in this situation but. once here, we adapt.

As an adoptive parent of several children with disabilities who will be potentially be cared for by others for the duration of their life, I can see the parents desire to do whatever they can to provide a home in which they can provide the necessary and appropriate care for their child. As a child ages and grows, so do the parents. Unfortunately we become less able to provide 'total care' to our child as we age; natural aging takes its toll. I would much prefer to keep my child at home with family. I believe there is no substitute for the love and care provided by family.

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Marilyn Sword, Executive Director

# **Just What Is Accessibility?**

In February, I had surgery to repair a broken ankle. For the following seven weeks I used an

array of equipment from a wheel-chair to crutches to a device called a "roll about". All gave me the opportunity to learn first hand about accessibility. And what I learned made me grateful that my situation is temporary. For my friends with disabilities that is not the case and, now more than ever, I sympathize with the barriers they face on a daily basis.

The Americans with Disabilities Act has made a big difference in terms of including people with disabilities in communities. But the threshold that it sets for accessibility is pretty low and often falls short of really accom-

modating many needs. Ramps and curb cuts are probably the most common accommodations. but even they can be problematic. They may be too few, too steep, lack adequate "landing" space at one end, or have uneven and bumpy surfaces. And what may be accessible for one group, may make something less accessible for another. An example is "truncated domes". You may know these as the areas at cross walk curb cuts that are filled with bumps, that assist people who are blind so that they can tell where the cross walk is. But for people using wheeled devices, these bumps can be dangerously difficult to navigate.

As a Council, we also have responsibility for locating accessible transportation, lodging and meeting space for our members.

No problem, you say? Big problem, we say. Hotels have a wide variety of definitions of what constitutes an accessible sleeping room. From bars in the bathroom to Braille signage on the door to roll-in showers - all are measures of accessibility. But the rooms that have all of these accommodations are few and far between. And if you have a group, as we do, that has several members in power chairs who need fully accessible rooms, you are suddenly very limited in the locations where people can stay.

All of this just demonstrates how much remains to be done to really make our communities user-friendly to all citizens. Perhaps the ultimate measure of success will be when the requirements that we now think of as

now think of as accommodations become a regular part of life.



I believe we should be doing more as a society for families with disabled members in the home. We should standardize options for insurance coverage-private and Medicaid-across the country. We should encourage home modification to allow for appropriate care without endangering the health and safety of

other family members. We should make the process of obtaining necessary equipment less cumbersome. Often times an individual will outgrow a piece of equipment before the approval comes down to order it, causing the process to start over. A sad variation of the "Catch 22".

With the current political

environment, I believe the time is right for us who live this and similar ethical dilemmas to urge our elected officials to streamline the process of acquiring equipment and services necessary to live a quality life. Let's all commit to work for what we know is right...
\*read the article at <a href="http://www.msnbc.msn.com/id/16472931/">http://www.msnbc.msn.com/id/16472931/</a>

#### WHAT'S HAPPENING

#### **APRIL 2007**

- 16 SBOE Deaf Education Reform Transition Cmte
- 18-20 Spring DD Council Meeting
- 27 State Independent Living Council Meeting
- 30-1 System of Care Conference, BSU

#### **MAY 2007**

- 11 Council for the Deaf & Hard of Hearing Board
- 13 Mother's Day
- 16 Community Care Council Meeting, Boise
- 24 Family Support Policy Council Meeting
- 28 Memorial Day Holiday

#### **JUNE 2007**

- 1 Co-Ad DOT Vote Meeting
- 8 Interagency Council on Secondary Transition
- 8 CDHD Consumer Advisory Council, Moscow
- 17 Father's Day
- 23 Treasure Valley Resource Fair at Adventure Island Playground, Meridian

#### **JULY 2007**

- 4 Fourth of July Holiday
- 19-20 State Independent Living Council Meeting
- 25 DD Council New Member Orientation
- 26-27 Summer DD Council Meeting

**Coming in OCTOBER 2007:** 

- 4 5 CEC Conference, Sun Valley
- 15 17 Community Partnerships Conference "Spirit of Community"

To contact the DD Council: Phone: (208) 334-2178, Fax: (208) 334-3417, Email: icdd@icdd.idaho.gov Costs associated with this publication are available from Dept. of Health & Welfare, DD Council in accordance with §60-202, Idaho Code: 21800C05 92162 5,000 @.28 4/07

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